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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Alvarez *et al.*

Confirmation No.: 8606

Application No.: 09/079,678

Group Art Unit: 1654

Filed: May 15, 1998

Examiner: Teller, Roy R.

For: RANDOM PEPTIDES THAT BIND TO  
GASTRO-INTESTINAL TRACT (GIT)  
TRANSPORT RECEPTORS AND RELATED  
METHODS

Attorney Docket No.: 1101-220

RECEIVED  
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**PROVISIONAL ELECTION UNDER 37 C.F.R. § 1.143 WITH TRAVERSE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action dated November 14, 2002, in which the Examiner imposed a restriction requirement, please consider the following remarks. Submitted herewith is a Petition Under 37 C.F.R. § 1.136(a) for an Extension of Time to Respond for one month, from February 14, 2003 to and including March 14, 2003, plus the necessary fee.

**REMARKS**

Claims 75 and 109-155 are pending in the present application. The Examiner has required an election under 35 U.S.C. § 121 of one member of each of the following groups:

1. One receptor from among SEQ ID NO:178, 176, 179 and 181 classified in class 530, subclass 350; and
2. One partner peptide selected from the sequences of SEQ ID NO:1 to 55 and SEQ ID NO:253 to 265, classified in class 530 subclass 300.

In order to be fully responsive, Applicants hereby elect SEQ ID NO:178 from Group 1 and SEQ ID NO:51 from Group 2, with traversal.

With respect to the Examiner's requirement that Applicants elect a single receptor and a single peptide partner and the reasons stated therefor, Applicants respectfully traverse. Even assuming, *arguendo*, that each single peptide represented distinct or independent inventions, Applicants submit that to search and examine together the subject matter of all the peptides, or at least all the peptides that bind to a given receptor, would not be a serious burden on the Examiner.

The M.P.E.P. § 803 (Eighth Edition, August 2001) states:  
If the search and examination of an entire  
application can be made without serious burden,  
the examiner must examine it on the merits, even